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1645
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12/4/02
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OCT 28 2002

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October 21, 2002

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application No.: 09/939011
Re: DEVICE FOR IDENTIFYING THE PRESENCE OF A NUCLEOTIDE
SEQUENCE IN A DNA SAMPLE
Inventors: Benn, James *et al.*
Filed: August 24, 2001
Our Ref. No.: GEN-007ACP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Supplemental Information Disclosure Statement;
2. PTO Form 1449;
3. Copies of references cited in PTO Form 1449 (9); and
4. A Return Postcard.

No additional costs are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement. However, please charge any other necessary fees due in connection with the enclosed statement to our Deposit Order Account No. 12-0080. For this purpose, a duplicate of this sheet is attached.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:

October 21, 2002
Date

Peter C. Lauro, Esq.

Registration No. 32,360

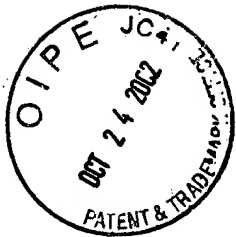
Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Peter C. Lauro, Esq.

Reg. No. 32,360

Attorney for Applicants



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Benn, James *et al.*

Serial No.: 09/939011

Filed: August 24, 2001

For: *DEVICE FOR IDENTIFYING THE PRESENCE OF
A NUCLEOTIDE SEQUENCE IN A DNA SAMPLE*

Attorney Docket No.: GEN-007ACP

Group Art Unit: 1645

Examiner: Not Yet Assigned

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Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR §1.8(a))

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October 21, 2002

Date of Signature and of Mail Deposit

By:

Peter C. Lauro, Esq.

Registration No. 32,360

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicants and their Attorney are aware of the following additional publications, listed on the attached PTO Form 1449, and in accordance with 37 CFR §1.97 hereby submit these publications for the Examiner's consideration. A copy of each cited publication is enclosed.

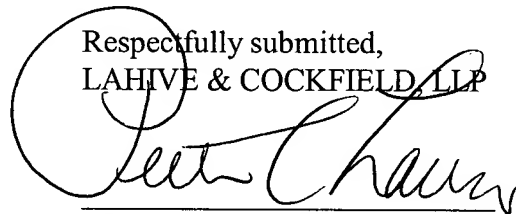
This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicants understand that the Examiner will make an independent evaluation of the cited publications.

Please note that in the PTO Form 1449, document nos. I1, I2, I3, I5 and I6 were cited in a Partial International Search Report annexed to an Invitation to Pay Additional Fees issued on August 13, 2002 for international application no. PCT/US01/26611, filed August 24, 2001, which relates to the above-referenced application and corresponds to U.S. Patent Application No. 09/939,520. In addition, document no. I4 is the published patent application for U.S. Patent Application No. 09/939,520, which relates to the above-referenced application in that U.S. Patent Application No. 09/939,520 and the above-referenced application both claim priority to U.S. Provisional application No. 60/228,239, filed August 25, 2000, and U.S. Provisional application No. 60/266,035, filed February 2, 2002.

No additional costs are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080.

In the event that a final Office Action on the merits or a Notice of Allowance issues in this application bearing a mailing date prior to or the same date as the date of this Supplemental Information Disclosure Statement, please charge the appropriate fee for consideration in accordance with CFR §1.97(d)(2) to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

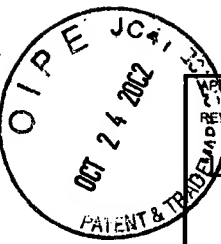


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Date: October 21, 2002

AEM/PCL/CEM/krj
Enclosures



APPLICANT FACSIMILE OF FORM PTO-1449
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U.S. DEPARTMENT OF
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ATTY DOCKET NO
GEN-007ACP

SERIAL NO.
09/939011

Sheet 1 of 1

LIST OF PUBLICATIONS CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT
Benn, James et al.

FILING DATE
August 24, 2001

GROUP
1645

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	11	3,591,493	07/71	Zeineh	210	22	
	12	5,672,319	09/97	Eisum	422	82.02	
	13	5,733,442	03/98	Shukla	210	94	
	14	US 2002/0106787 A1	08/02	Benn	435	303.1	
	15	09/561,764	4/28/00	Cahill, et al.	435		
	16	09/422,677	10/21/99	Toth	422	99	
	17	10/061,961	2/1/02	Smith			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	18	EP 0 434 149 A2, A3	06/91	EPO				
	19	DE 100 05 024 A1	08/01	Germany			Abstract Only	

OTHERS (including Author, Title, Date, Pertinent Pages, Etc.)

Examiner		Date Considered	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.			